

REMARKS

Claims 1-24 are pending. By this Response, claims 1, 23 and 24 are amended and claim 13 is cancelled. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action appreciates the indication of claim 20 as containing allowable subject matter.

The Office Action objects to claim 13 as being improper dependent claims. Specifically, the Office Action alleges that claim 13 is redundant of claim 12. Applicant has cancelled claim 13 to address this problem. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-4, 6, 10-11, 16-18 and 24 under 35 U.S.C. §102(e) as being anticipated by Clupper, et al. (US 6,309,742); claims 5, 12, 14, 19, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Clupper; claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Clupper in view of King, et al. (US 5,763,824) and claim 15 under 35 U.S.C. §103(a) as being unpatentable over Clupper in view of Yee (US 6,113,425). These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, a low radio frequency emissions network device comprising: a chassis; a layer of foam disposed on at least a portion of a surface of said network device, the layer of foam substantially covering the inner surface of the chassis, wherein said layer foam absorbs at least some of the electromagnetic interference.

Claim 23 recites, *inter alia*, a low electromagnetic interference emissions network device comprising: a chassis, having a door; electronic components disposed in said chassis; and a layer of foam disposed on at least a portion of said door, substantially covering the inner surface of said door, wherein at least a portion of the electromagnetic interferences absorbed by the foam and prevented from exiting the chassis.

Claim 24 recites, *inter alia*, a low electromagnetic interference emissions network device comprising: a network device component disposed in said network device and a layer of foam having a high insertion loss disposed on said network device component, substantially covering the surface of said network component, wherein at least a portion of the electromagnetic interferences absorbed by the foam.

Embodiments of the dependent claims recite the use of a foam layer to suppress electromagnetic interference. The foam is uniquely positioned so as to replace conventional aspects of electromagnetic shielding. This enables greater suppression of electromagnetic interference from high frequencies while also enabling reduction of components used in devices reducing the device size.

In claim 1, the foam is recited as substantially covering the inner surface of the chassis. The foam covers most of the inner surface, if not all, of the chassis, so as to provide adequate suppression of electromagnetic interferences while also covering small gaps. Claim 23 recites the foam as substantially covering the inner surface of a door of the chassis. Thus, the foam covers a

majority of the doors inner surface area. Finally, claim 24 recites, the foam as substantially covering the surface of a network component. The components themselves receive a covering of foam to aid in suppression.

In contrast, Clupper teaches the use of a foam material as a gasket to suppress electromagnetic waves. The gasket is defined in Clupper's specification as "a device that fills a gap in a shielded system at a removable interface, such as between a shield and a PCB (printed Circuit Board) or between two shields, with a PCB enclosed therein." See column 1, lines 50-54. The gasket of Clupper acts in conjunction with shielding devices to provide electromagnetic suppression at the gaps connecting the shielding devices. The foam of Clupper is not used to cover the surfaces of a chassis or internal components. The gasket does not act as a replacement for shielding devices, but merely fills in the holes or gaps that are present between the connection point of two or more shields or the shield and the printed circuit board.

The Office Action alleges that "while Clupper teaches a primary use as a 'gasket', one skilled can adapt/cut the foam into a strip and place it above/below/around any electronic component to shield its EMI radiations." The Office Action makes such allegations and similar assertions with respect to claims 9, 10, 11, 12, 16, 19 and 21. Applicant respectfully submits that there is no teaching within the reference or motivation with the reference or by one of ordinary skill to use the gap filler foam strips taught in Clupper as an inner

covering for chassis or coverings on circuit components as provided in the present invention.

Applicant respectfully submits that Clupper only teaches using foam strips for use in covering gaps, spaces between two shields or the shields and a printed circuited board. The Office Action appears to be using applicants own disclosure in inferring that Clupper's teachings motivates one of ordinary skill to utilize foam on inner surfaces of a chassis or on the components themselves. This type of allegation is purely hindsight and cannot be used to support a rejection against the claims.

Applicant reminds the Examiner that obviousness can only be found if there is a suggestion in the references themselves to modify the teachings therein or by one of ordinary skill. Certainly, Clupper does not provide any suggestions to utilize foam in any manner accept as filler for gaps between two shields or a shield and a printed circuit board. Further, one of ordinary skill would not look to the gap filling foam gaskets of Clupper in order to substantially cover the inner surface of a door let alone an entire chassis or an internal component. The only possible reasons for such rejection is based on impermissible hindsight.

Applicant respectfully submits that Clupper alone or in combination fails to teach each and every feature of the claims as required. Further, the Office Action provides no motivation for modifying Cluppers teaches to achieve applicant's claimed invention. Further, King and Yee fail to remedy Clupper's

deficiencies. Thus, for the reasons above, independent claims 1, 23 and 24 and dependent claims 9-12, 16, 19 and 21 are novel in view of Clupper alone or in combination. Further, dependent claims 2-8, 14, 15, 17 and 18 and 20 are likewise distinguishable over the applied references for the above reasons.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-24 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/062,113

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/CJB:cb
4450-0112P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)